

1 **WILLIAM H. PRUITT, ESQ**
Nevada Bar No. 6783
2 **JOSEPH R. MESERVY, ESQ.**
Nevada Bar No. 14088
3 **BARRON & PRUITT, LLP**
3890 West Ann Road
4 North Las Vegas, Nevada 89031-4416
Telephone: (702) 870-3940
5 Facsimile: (702) 870-3950
Email: BPruitt@lvnvlaw.com
6 Email: JMeservy@lvnvlaw.com
Attorneys for Defendant,
7 *Smart Industries Corporation*

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 *****

11 WESCO INSURANCE COMPANY as subrogee
12 of its insured NICKELS AND DIMES
INCORPORATED,

13 Plaintiff,

14 vs.

15 SMART INDUSTRIES CORPORATION dba
16 SMART INDUSTRIES CORP., MFG., an Iowa
corporation,

17 Defendants.

Case No.: 2:16-cv-01206-JCM-EJY

CONSOLIDATED FOR PURPOSES OF
DISCOVERY AND TRIAL

Case No.: 2:16-cv-02378-JCM-EJY

18 JENNIFER WYMAN, individually; BEAR
19 WYMAN, a minor, by and through his natural
parent JENNIFER WYMAN; JENNIFER
20 WYMAN and VIVIAN SOOF, as Joint Special
Administrators of the ESTATE OF CHARLES
21 WYMAN; and SARA RODRIGUEZ natural
parent and guardian ad litem of JACOB WYMAN,

22 Plaintiffs,

23 vs.

24 SMART INDUSTRIES CORPORATION dba
25 SMART INDUSTRIES CORP., MFG, an Iowa
Corporation; HI-TECH SECURITY INC, a
26 Nevada Corporation; WILLIAM ROSEBERRY;
BOULEVARD VENTURES, LLC, a Nevada
27 Corporation; DOES 1 through 10; BUSINESS
ENTITIES I through V; and ROE
28 CORPORATIONS 11 through 20, inclusive,

**STIPULATION AND ORDER TO
EXTEND TIME TO FILE A JOINT
PRETRIAL ORDER
(Second Request)**

Defendants.

HI-TECH SECURITY INC; and WILLIAM
ROSEBERRY,

Third-Party Plaintiffs,

vs.

NICKELS AND DIMES INCORPORATED,

Third-Party Defendants.

COMES NOW, Plaintiffs, SARA RODRIGUEZ parent and guardian of JACOB WYMAN, by and through their counsel of record, Cliff W. Marcek, Esq and Thomas Schwartz, Esq.; Jennifer Wyman, Bear Wyman and the Estate of Charles Wyman by and through their attorney of record, Tracy A. Eglet, Esq. of EGLET ADAMS LAW OFFICE; Smart Industries Corporation, by and through its attorney of record William H. Pruitt, Esq. and Joseph R. Meservy, Esq. of BARRON AND PRUITT; and Wesco Insurance Company by and through its attorney Peter Duboswky, Esq. and hereby agree and stipulate to extend the time to file the Joint Pretrial Order.

On September 16, 2021, the Honorable Judge James C. Mahan filed a Minute Order stating the parties were to submit a Joint Pretrial Order in compliance with Local Rule 16-4 within 30 days. The Joint Pretrial Order was due October 18, 2021. The parties were granted an extension until November 1, 2021 and have now agreed to extend the deadline another week to November 8, 2021.

The parties have conducted extensive discovery and there are many documents to review. In addition, there have been numerous depositions, written discovery and each side has disclosed expert witnesses. Due to the amount of potential evidence, the parties need more time to prepare and file the Joint Pretrial Order.

BARRON & PRUITT, LLP
ATTORNEYS AT LAW
3890 WEST ANN ROAD
NORTH LAS VEGAS, NEVADA 89031
TELEPHONE (702) 870-3940
FACSIMILE (702) 870-3950

The parties are circulating drafts for the joint pretrial order and have made progress since the last extension was granted, but it is unlikely the Joint Pretrial Order will be completed by Monday, November 1, 2021.

The parties above request that the court approve of this stipulation and order giving the parties an additional week to submit the Joint Pretrial Order.

DATED this 29th day of October, 2021.

DATED this 29th day of October, 2021.

/s/ Cliff W. Marcek

CLIFF W. MARCEK, ESQ.

Nevada Bar No. 5061

CLIFF W. MARCEK, P.C.

411 E. Bonneville Ave.

Las Vegas, Nevada 89101

Attorneys for Plaintiffs

SARA RODRIQUEZ, parent and guardian

Of JACOB WYMAN

/s/ Joseph R. Meservy

WILLIAM H. PRUITT, ESQ.

Nevada Bar No. 6783

JOSEPH R. MESERVY, ESQ.

Nevada Bar No. 14088

BARRON & PRUITT, LLP

3890 West Ann Road

North Las Vegas, Nevada 89031

Attorneys for Defendant

SMART INDUSTRIES CORPORATION

DATED this 29th day of October, 2021.

DATED this 29th day of October, 2021.

/s/ Brittney R. Glover

TRACY A. EGLET, ESQ.

Nevada Bar No. 6419

BRITTNEY R. GLOVER, ESQ.

Nevada Bar No. 15412

EGLET ADAMS

400 South Seventh Street, Suite 400

Las Vegas, Nevada 89101

Attorneys for Plaintiffs

JENNIFER WYMAN, BEAR WYMAN;

and

ESTATE OF CHARLES WYMAN

/s/ Peter Dubowsky

PETER DUBOSWKY, ESQ.

Nevada Bar No. 4972

AMANDA VOGLER-HEATON, ESQ.

Nevada Bar No. 13609

DUBOWSKY LAW OFFICE, CHTD

300 South Fourth Street, Suite 1020

Las Vegas, Nevada 89101

Attorneys for WESCO INSURANCE CO.

IT IS SO ORDERED November 2, 2021.


UNITED STATES DISTRICT JUDGE
JAMES C. MAHAN

BARRON & PRUITT, LLP
ATTORNEYS AT LAW
3890 WEST ANN ROAD
NORTH LAS VEGAS, NEVADA 89031
TELEPHONE (702) 870-3940
FACSIMILE (702) 870-3950

Deb Sagert

From: Brittney Glover <bglover@egletlaw.com>
Sent: Friday, October 29, 2021 1:35 PM
To: Deb Sagert; cwmarcek@marceklaw.com; Tracy Eglet; peter@dubowskylaw.com
Cc: Joseph Meservy
Subject: RE: Wesco v. Smart, et al

You have my permission to apply my e-signature.

Thank you,
Brittney

From: Deb Sagert <DSagert@lvnvlaw.com>
Sent: Friday, October 29, 2021 1:21 PM
To: cwmarcek@marceklaw.com; Brittney Glover <bglover@egletlaw.com>; Tracy Eglet <TEglet@egletlaw.com>; peter@dubowskylaw.com
Cc: Joseph Meservy <JMeservy@lvnvlaw.com>
Subject: Wesco v. Smart, et al

Good afternoon. Please see the attached SAO to extend deadline for filing of the Joint Pre-Trial Order. Let me know if you have any changes and also if it is acceptable for us to apply your e-signature. Thank you.

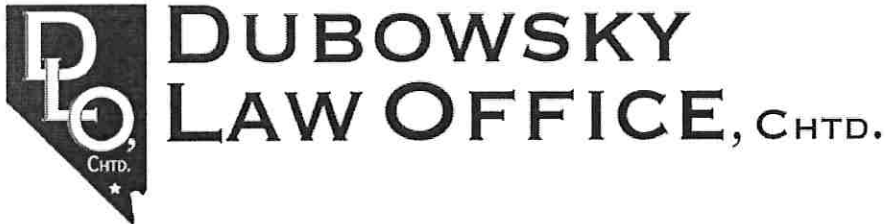
Deborah Sagert | Paralegal
barronpruitt.com | dsagert@lvnvlaw.com
p 702.870.3940 | f 702.870.3950
3890 West Ann Road
North Las Vegas NV 89031
Barron & Pruitt, LLP
L A W Y E R S

Deb Sagert

From: Peter Dubowsky <peter@dubowskylaw.com>
Sent: Friday, October 29, 2021 1:43 PM
To: Deb Sagert; cwmarcek@marceklaw.com; bglover@egletlaw.com; teglet@egletlaw.com
Cc: Joseph Meservy
Subject: RE: Wesco v. Smart, et al

You may affix me e-signature.

Peter Dubowsky, Esq.
DUBOWSKY LAW OFFICE, CHTD.
300 South Fourth Street
10th Floor- Suite 1020
Las Vegas, NV 89101
Ph. (702) 360.3500
Fx. (702) 360.3515
www.dubowskylaw.com



From: Deb Sagert
Sent: Friday, October 29, 2021 1:21 PM
To: cwmarcek@marceklaw.com; bglover@egletlaw.com; teglet@egletlaw.com; peter@dubowskylaw.com
Cc: Joseph Meservy
Subject: Wesco v. Smart, et al

Good afternoon. Please see the attached SAO to extend deadline for filing of the Joint Pre-Trial Order. Let me know if you have any changes and also if it is acceptable for us to apply your e-signature. Thank you.

Deborah Sagert | Paralegal
barronpruitt.com | dsagert@lvnlaw.com
p 702.870.3940 | f 702.870.3950
3890 West Ann Road
North Las Vegas NV 89031



Deb Sagert

From: Joseph Meservy
Sent: Friday, October 29, 2021 3:50 PM
To: Deb Sagert
Subject: FW: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

Joseph R. Meservy, Esq.
Barron & Pruitt, LLP
L A W Y E R S

This transmission and any attached files are privileged, confidential or otherwise the exclusive property of the intended recipient or the law firm of Barron & Pruitt, LLP. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is strictly prohibited. If you have received this transmission in error, please contact us immediately by e-mail by hitting reply or telephone (702) 870-3940 and promptly destroy the original transmission and its attachments.

From: Joseph Meservy
Sent: Friday, October 29, 2021 11:18 AM
To: 'Brittney Glover' <bglover@egletlaw.com>; Cliff Marcek <cwmarcek@marceklaw.com>
Cc: MaryAnn Dillard <MDillard@lvnvlaw.com>; dcoil@ggrmlawfirm.com; peter@dubowskylaw.com; Kiera Buckley <kbuckley@egletlaw.com>; tschwartz@holloranlaw.com
Subject: RE: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

Thanks, we will circulate a stipulation today to extend the date to submit the Joint Pretrial Memo.

Sincerely,
Joseph R. Meservy, Esq.
Barron & Pruitt, LLP
L A W Y E R S

This transmission and any attached files are privileged, confidential or otherwise the exclusive property of the intended recipient or the law firm of Barron & Pruitt, LLP. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is strictly prohibited. If you have received this transmission in error, please contact us immediately by e-mail by hitting reply or telephone (702) 870-3940 and promptly destroy the original transmission and its attachments.

From: Brittney Glover [<mailto:bglover@egletlaw.com>]
Sent: Friday, October 29, 2021 11:00 AM
To: Cliff Marcek <cwmarcek@marceklaw.com>; Joseph Meservy <JMeservy@lvnvlaw.com>
Cc: MaryAnn Dillard <MDillard@lvnvlaw.com>; dcoil@ggrmlawfirm.com; peter@dubowskylaw.com; Kiera Buckley <kbuckley@egletlaw.com>; tschwartz@holloranlaw.com
Subject: RE: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

I do not have an objection.

From: Cliff Marcek <cwmarcek@marceklaw.com>
Sent: Friday, October 29, 2021 10:59 AM
To: Joseph Meservy <JMeservy@lvnvlaw.com>
Cc: Brittney Glover <bglover@egletlaw.com>; MaryAnn Dillard <MDillard@lvnvlaw.com>; dcoil@ggrmlawfirm.com;

peter@dubowskylaw.com; Kiera Buckley <kbuckley@egletlaw.com>; tschwartz@holloranlaw.com
Subject: Re: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

I am not in the office today. If there is an agreement to extend the date to submit the JPO, I will agree.

Cliff W. Marcek
411 E. Bonneville Ave, Suite 390
Las Vegas, NV 89101
Telephone: (702) 366-7076
Facsimile: (702) 366-7078